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Attorneys for Defendants Baxter Everett and
Specialized Rail Service, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Carlos Earnesto Tillman, a married man,
Plaintiff,

v.

Baxter E. Everett and Jane Doe Everett,
husband and wife; Specialized Rail Service,
Inc., a Nevada corporation; Universal Logistics
Holdings, Inc., a Michigan corporation;
Universal Intermodal Services, Inc., a
Michigan corporation; and John Does I
through X, fictitious individuals; ABC
Corporations I-X and Partnerships, I-X,
fictitious entities,
Defendants.

NO.

NOTICE OF REMOVAL

Defendants Specialized Rail Service, Inc. and Baxter Everett, by and
through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this
Notice of Removal of an Arizona State Court action against them to the United States
District Court for the District of Arizona and states as follows:

PROCEDURAL HISTORY

1. On or about June 12, 2019, an action was commenced against
Defendants in the Superior Court of the State of Arizona, in and for the County of

1 Mohave, under the case number S-8015-CV-201900541. Copies of the pleadings so far
2 filed in the State Court action are attached as Exhibit A.

3 2. On July 11, 2019, Defendant Specialized Rail Service, Inc. accepted
4 service through undersigned counsel.

5 **TIMELINESS OF REMOVAL**

6 3. Under 28 U.S.C. § 1446(b)(1), a notice of removal shall be filed
7 within 30 days after the receipt by the defendants, through service or otherwise, of a copy
8 of the initial pleading setting forth the claim for relief upon which such action or
9 proceeding is based.

10 4. This Notice of Removal is filed within 30 days after the Complaint
11 was purportedly served and, therefore, is timely. *See* 28 U.S.C. § 1446(b)(1).

12 5. A Notice of Filing Notice of Removal was filed with the Superior
13 Court in and for Maricopa County. *See* Notice of Filing Notice of Removal (exclusive of
14 exhibits), attached as Exhibit B.

15 **BASIS OF REMOVAL**

16 6. This Court has original jurisdiction over this action pursuant to 28
17 U.S.C. § 1332 because the amount in controversy exceeds \$75,000.00 and there is
18 complete diversity of citizenship. *See* 28 U.S.C. § 1332(a).

19 7. Plaintiff claims personal injuries as a result of Defendants' alleged
20 liability. At this time, Plaintiff has alleged approximately \$319,000 in medical specials
21 related to this incident, and has provided some medical records and bills supporting this
22 amount. Additionally, Plaintiff is claiming compensatory damages. Accordingly,
23 Defendants believe Plaintiff's injuries exceed the sum of \$75,000.

24 8. Defendant Specialized Rail Service, Inc., is a Nevada corporation
25 with its principal place of business in Clearfield, Utah. Defendant Specialized Rail
26 Service, Inc. is a citizen of both Nevada and Utah.
27
28

1 9. Defendant Baxter Everett is a resident of Las Vegas, Nevada.
2 Defendant Everett is a citizen of Nevada.

3 10. Defendant Universal Logistics Holdings, Inc. is a Michigan
4 corporation with its principal place of business in Warren, Michigan. Defendant Universal
5 Logistics Holdings, Inc. is a citizen of Michigan.

6 11. Defendant Universal Intermodal Services, Inc. is a Michigan
7 corporation with its principal place of business in Warren, Michigan. Defendant Universal
8 Logistics Holdings, Inc. is a citizen of Michigan.

9 12. Plaintiff Carlos Earnesto Tillman is believed to be a resident of Pinal
10 County, State of Arizona. Plaintiff Tillman is therefore believed to be a citizen of Arizona.

11 13. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all defendants “who have
12 been properly joined and served must join in or consent to the removal of the action” for
13 all actions removed based on diversity of citizenship. Tim Monahan is general counsel
14 for Defendants Universal Logistics Holdings, Inc. and Universal Intermodal Services, Inc.
15 He has confirmed to undersigned counsel that both entities join in and consent to removal
16 of the action.

17 By filing this Notice of Removal, Defendants do not waive, but rather
18 expressly reserve, all rights, defenses, and objections of any nature that they may have to
19 Plaintiff’s claims.

20 WHEREFORE, Defendants respectfully request this action be removed to
21 this Court.

1 DATED this 8th day of August 2019.

2 JONES, SKELTON & HOCHULI, P.L.C.

3 

4 By

5 Phillip H. Stanfield
6 David L. Stout, Jr.
7 Nicolas T. Martino
8 40 North Central Avenue, Suite 2700
9 Phoenix, Arizona 85004
10 Attorneys for Defendants Baxter Everett
11 and Specialized Rail Services

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 8th day of August 2019, I caused the foregoing
14 document to be filed electronically with the Clerk of Court through the CM/ECF System
15 for filing; and served on counsel of record via the Court's CM/ECF system.

16 I further certify that some of the participants in the case are not registered
17 CM/ECF users. I have mailed the foregoing document to the following non-CM/ECF
18 participants:

19 Josh A. Valdez
20 Joseph A. Hoxie
21 VALDEZ LAW PLLC
22 323 W Roosevelt St, Ste 100
23 Phoenix, AZ 85003
24 Counsel for Plaintiff

25 /s/ S. Coffey